

## SUBCHAPTER C—REGULATIONS OF THE NATIONAL WEATHER SERVICE

### PART 946—MODERNIZATION OF THE NATIONAL WEATHER SERVICE

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APPENDIX A TO PART 946—NATIONAL WEATHER SERVICE MODERNIZATION CRITERIA

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AUTHORITY: Title VII of Pub. L. 102-567, 106 Stat. 4303 15 U.S.C. 313 note

SOURCE: 58 FR 64091, Dec. 3, 1993, unless otherwise noted.

#### § 946.1 Purpose.

(a) This part sets forth the procedures for certification by the Secretary of Commerce that the closure, consolidation, automation or relocation of any field office of the National Weather Service (NWS) pursuant to the implementation of the Strategic Plan for the Modernization of the NWS will not result in any degradation of weather services. Section 706 of Pub. L. 102-567 requires that no such field office be closed, consolidated, automated, or relocated until such certification is made. This part distinguishes these modernization activities which require certification from those changes in operations at a field office which do not require certification.

(b) This part, including specifically these sections which specify when certifications are required, is intended to promote confidence that public safety is being adequately considered during the modernization process. While some of the terms used in these regulations may be identical to those used by the Office of Personnel Management, the General Services Administration, or by

NOAA in personnel regulations, this part does not affect or supersede those regulations. In particular, a determination that the move of a field office is not a “relocation” for purposes of these regulations does not affect an employee’s rights to relocation assistance, discontinued service retirement, severance pay, or grade and pay retention.

#### § 946.2 Definitions.

*Automate (or automation)* means to replace employees performing surface observations at a field office with automated weather service observation equipment. For the purposes of this definition, an employee performing surface observations at a field office is replaced when that office, after installing such equipment, reduces or eliminates its responsibility for taking surface observations and removes the employee from that field office, or formally requests the employee to cease performing all observational responsibilities at that office. Automate does not include temporarily reducing the hours of operation during which a field office is responsible for surface observations or augmenting/backing up an ASOS when such reduction results from an unplanned decrease in staff.

*Category 1 radar* means an existing NWS radar which is to be replaced by a NEX-RAD on the same site or on an adjacent site from which the two radars cannot operate concurrently. A Category 1 radar must be dismantled when the existing tower prevents building a replacement NEX-RAD on the same site or operationally demonstrating and commissioning a replacement NEX-RAD on an adjacent site by physically blocking its beam. A Category 1 radar must be turned off when it prevents operationally demonstrating and commissioning a replacement NEX-RAD on an adjacent site by creating substantial electromagnetic interference.